

California Regional Water Quality Control Board
San Diego Region

CLEANUP AND ABATEMENT ORDER NO. 98-46
for
TRABUCO CANYON WATER DISTRICT
ORANGE COUNTY

The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board), finds that:

1. The Trabuco Canyon Water District is subject to Order No. 96-04, *General Waste Discharge Requirements Prohibiting Sanitary Sewer Overflows by Sewage Collection Systems*.
2. Prohibition A.1 of Order No. 96-04 states that the discharge of sewage from a sanitary sewer system at any point upstream of a sewage treatment plant is prohibited.
3. The Trabuco Canyon Water District has discharged wastes near El Toro Road and Portola Parkway, in violation of Order No. 96-04 on February 16, 1998 (180,000 gallons into Aliso Creek).
4. The Trabuco Canyon Water District reported that the February 16th spill was caused by an alarm and backup system failure due to power failure. The District further reported that no spilled sewage was recovered and the spill reached Aliso Creek and the Pacific Ocean.
5. This enforcement action is being taken for the protection of the environment and, as such is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.) in accordance with Section 15108, Chapter 3, Title 14, California Administrative Code.

IT IS HEREBY ORDERED that, pursuant to Section 13304 of Division 7 of the California Water Code:

1. The Trabuco Canyon Water District shall initiate the necessary remedial and preventative actions to cease the threat of sewage spills from the section of pipeline noted in this Order and shall abate the effects of past violations of Order No. 96-04 forthwith.
2. The Trabuco Canyon Water District shall submit a report by May 31, 1998 that includes the following:
 - a. An engineered assessment of the causes of the sewer spill cited in this Order, and
 - b. A description of the District's efforts to abate the effects of the sewer spills, and
 - c. either:

April 7, 1998

- (1) A technical report with supporting documentation prepared and signed by registered electrical engineer, licensed in the State of California, certifying that the subject alarm and backup systems will not be subject to similar type failures in the future; or
- (2) If certification cannot be completed by May 31, 1998, the District shall submit a time schedule for completing the necessary studies to determine appropriate design requirements for the alarm systems and installation of those systems.

Pursuant to California Water Code Section 13350, any person who intentionally or negligently violates a cleanup and abatement order may be liable civilly in an amount which shall not exceed five thousand dollars (\$5,000), but shall not be less than (\$500), for each day in which the cleanup and abatement order is violated.

JOHN H. ROBERTUS
Executive Officer

Date issued: May 7, 1998